

O'CONNOR BERMAN DOTTS & BANES
Second Floor, Nauru Building
1 Nauru Loop
Susupe, Saipan, CNMI
Mail: PO Box 50-1969 Saipan MP 96950
Phone: 234-5684
Fax: 234-5683
E-mail: attorneys@saipan.com

Attorneys for Plaintiff

**IN THE DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

HOMAYAN KABIR,

Plaintiff,

vs.

**CNMI PUBLIC SCHOOL SYSTEM
and JONAS BARCINAS,**

Defendants.

Civ. No. 07-0034

**DECLARATION OF
HOMAYAN KABIR**

I, Homayan Kabir, declare as follows:

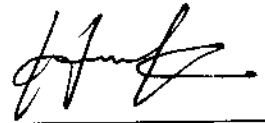
1. I am the Plaintiff in the above captioned matter. I make this declaration upon personal knowledge.

2. Attached hereto as Exhibit A is the Incident Report which I prepared and submitted to the EEOC in connection with this matter. My statements in the attached Incident Report are true and correct, and are incorporated into this Declaration in full by reference.

I declare upon penalty of perjury under the laws of the United States of America and the Commonwealth of the Northern Mariana Islands that the foregoing declaration is true and correct, and that if called upon to testify, I could and would testify competently and in accordance herewith.

\\

1 Executed at Saipan, CNMI, this 13th day of March, 2008.

2
3
4 

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

HOMAYAN KABIR

HISTORY OF ABUSE BY MR. JONAS BARCINAS
As told by the victim: MR. HOMAYAN KABIR

INCIDENT REPORT

Date: From April 15 - 21, 2005

I start work at 6:00 pm. Mr. Barcinas, the principal came to school at around 8:00 pm. He went to his office and called me there to clean it. After I finished, we talked about anything and later on he mentioned about sex. But I thought it was only a joke. He then leave the school at about 10:30 pm.

Date: From May 02 - 13, 2005

I start work at 6:00 pm and Mr. Barcinas was inside the school campus. At around 7:00 pm he called me in his office and told me to paint the office hallway. Me and him while painting, were telling stories. Mr Barcinas always talk about sex and I never give importance to it because I respect him.

This happens to many times. He called me to clean the office and the rest room also. He gave me the office key and told me to just sit in the office and go check around the school campus only sometimes. He always told me not to go around the side because some people in Dandan are no good and they might shoot me. He even told me to lock the gate and without his permission, nobody can enter the school campus.

Date: June 01- 17, 2005

At around 11:00 pm, Mr. Barcinas came in the office and found me sitting on the chair. I immediately stood up and told me to sit down instead. Upon sitting down, he grabbed me and told me "I love you " and kissed me right away. I pushed him and told him I could not do it. I told him I am also a man and I could not do it. Immediately, I run outside to my wife who was waiting inside the car. After 30 minutes, Mr. Barcinas checked out of the school.

Date: June18, 2005

Next day, when I reported for work, Mr. Barcinas called me at around 8:00 pm. to go to his office, but I told him I could not go there. "If you want to tell me something, just tell me outside," is what I told him. Then he came out and talked to my wife in the car and told her that, "Whatever you hear just let it go and let it pass on your other ear. Don't believe the people, they will not help." I am scared of Mr. Barcinas so I always bring my wife with me to work.

Exhibit "A"

Date: July 05 – 20, 2005

At around 8:00 pm, he called my cell phone and told me, "Mr. Kabir, can you come to my house and helped me fixed it? Yesterday, I moved to a new house." I told him that, I am on duty right now. He told me that it is no problem. I could closed the gate and leave the school. This time I followed his order and went to look for his new house. My wife was also with me at this time and after 30 minutes, I found his house and saw him standing in front of the door. The moment he saw me, he immediately pulled my hand and took me inside his house. He turned off the light and grabbed me and telling me how he loves me. He was also kissing me at the same time. While he was doing it, he was promising me that he could give me permanent job. I'm terribly shaken and I immediately turned on the light. He told me why you don't help when I help you, but I said I cannot do it. I am sorry about that, but he again turned off the light. This time I dived just to get out and run to my car. My wife saw me shaking and asked me what happened but I told him nothing. Then I proceeded to work but my wife asked me again, "Tell me the truth", she asked. This time I told her everything. I was crying and told her that I don't want to work for Mr. Barcinas anymore.

Date: July 21-29, 2005

The following day, my wife called Mr. Barcinas and asked him what he did to me. Mr. Barcinas said "sorry, I only tried to help your husband. He is lying. I want to help him because P.S.S. takes long time to pay." That day, I reported for worked because I have a contract with P.S.S.

Date: Aug. 01 – 05, 2005

Days after, Mr. Barcinas called me and asked me why I told my wife. He said, "You want to lose your job? I fight with P.S.S to keep your job." I just listened to him and said nothing. Then I left the office.

Date: Sept. 05 – 20, 2005

After a week, Mr. Barcinas called me again and told me to go to the office. I went there and started doing the same thing to me. He grabbed me and started kissing me and telling me how he loves me. He keeps on saying, I help you why you don't help me? This time, I got so mad and told him that I am already married and I could not do it even you give me million dollars. Then I left the office.

Date: Oct. 22 – 30, 2005

Mr. Barcinas called me and said to me, "Mr. Kabir, P.S.S. has no money to pay you. You have to stop working. When P.S.S. has money, I will call you again". This is renewal time for my contract.

Date: July 05 – 20, 2006

Months later, Mr. Barcinas went to the governor's office and saw my wife. He told her the P.S.S. has money already for security service and told her that I will check him at Dandan School. So, I checked him and told me to submit proposal. After a week, he called me and told me to start working the next day.

Date: July 24 – 28, 2006

Few days later, I signed the contract. He told me that I will use your company but I am the one to give you the security guard. I have already one guard, so three of us will work as guards for the school. His guard is Mr. Akin Rossa. Mr. Barcinas, made the time schedule and what we are going to do such as sweep the hallway, pick-up trash around the campus, secure all the buildings, baseball field and community center. During this time, Mr. Barcinas keeps on offering me sex but I also keep on denying him. Because of this, he is now giving me hard time. But I did not stop working.

Date: Sept. 05 – 12, 2006

Later, when my contract is for up for renewal, Mr. Barcinas did not like to renew it. So, I asked for the reason why he does not want to renew it. He said, "What I want from you, you don't want to give me". I said to him, "I come to work not for sex. What you are doing to me is not right. This kind of things is done by dumb people". This time he got mad and told me to get out of his office.

I left the office and went straight to my wife who is now working at governor's office. I told her everything what happened and told her that I would not go back to work anymore. I will sue Mr. Barcinas instead. My wife told me that I will talk to the auntie of Mr. Barcinas who works at governor's office. I told her everything and she asked me to give her one day and see what she can do about this matter.

After one and half hour later, Mr. Barcinas called me and said sorry for everything that happened. He told me to submit again the proposal. He told me to forget everything and we will work together. I told him that I will think first.

That after one and half hour, the auntie called me also, and said, "Did Barcinas called you?" When I said yes, she also said, "sorry just forget everything. Just go ahead and work, if anything happens call me again". So, I reported for work.

A few days later, I asked Mr. Barcinas about my renewal contract and said to me that it is still being process. I just have to continue working. Ten (10) days later, Mr. Barcinas approached me and said the past ten days I worked is for free just a help to

P.S.S. I told myself, this is a better deal than sex. After that, he told me not to hire anybody anymore. I will give you guard, but he was lying. He just wanted me to be alone so he can do whatever he likes to me.

Mr. Barcinas is now giving me hard time. Before he told me to close the main gate, but now he wants it open. He wants me to clean the hallway, pick-up the rocks, clean the office. Outside, he wants me to pick up trash, plant trees, turn off lights in the hallway, check the kindergarden and baseball field.

Then when my contract is up for renewal again, he told me that he is not going to renew it anymore. I asked him about my unpaid salary. When he will give it. He said, "I will not pay you any penny anymore." I told him, "why not?". This time he told me to get out from his office. So, I left his office.